HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.3123 OF 2000

Between:

M. Hanumanthu and five others

... Petitioner

AND

The A.P. Transco, represented by its Addl. Secretary, Vidyut Soudha, Khairatabad, Hyderabad and two others

... Respondents.

:: O R D E R ::

Counsel for the petitioner : M. Viswanadham

Counsel for the respondents : Shri Samineni Kishore

January 24, 2006

The petitioners, who claim to have worked as casual labours under Chief Engineer, A.P Transco at Cuddapah for different periods between 1977 to 1980, have filed this petition for issue of a writ in the nature of mandamus directing the respondents to consider their cases for absorption by alleging that similarly situated persons have already been absorbed.

Although the respondents have not filed counter, I do not consider it necessary to postpone the adjudication of the writ petition, because the same is pending for last almost six years and also because after perusing the averments contained in the affidavit of petitioner No. 1

Shri M. Hanumanthu and documents annexed with the writ petition, I am convinced that the petitioners are not entitled to relief in terms of the prayer made.

The reasons for my aforementioned conclusion are:

(a) In compliance of directions given by the Court in Writ Petition Nos. 28259 and 29573 of 1997, the cases of petitioner Nos.1 to 4 and 6 were considered for appointment as Junior Linemen, but they were found eligible/entitled to be appointed. This was conveyed to the concerned petitioners by Superintending Engineer, Operation Circle, Anantapur (respondent No.3) vide his letters dated 24-9-1998, 5-11-1998 and 5-2-1999 respectively. However, for the reasons best known to them, those petitioners have not prayed for quashing of the decision taken by respondent No.2 to reject their candidature. In my considered view, without nullifying the decision taken by the competent authority to reject the candidature of petitioner Ns. 1 to 4 and 6, the Court cannot issue a direction to the respondents to absorb them in the services of A.P Transco.

(b) A reading of communications dated 24-09-1998, 05-11-1998 and 05-02-1999 issued by respondent No. 3 shows that the concerned petitioners were denied appointment because at the time of interview, some of them did not produce service certificates and one of them was

found to be underaged. The petitioners have not produced any evidence before the Court to show that the reason assigned by respondent No.3 for rejecting their candidature is legally untenable. Not only this, they have not produced the duly authenticated certificates to substantiate their claim that they have worked as casual labour between 1977 to 1980.

During the course of hearing, learned counsel for the petitioners submitted that the petitioners are entitled to be appointed as Junior Linemen against 50% vacancies in terms of B.P.Ms.No. 36, but I do not find any valid ground or justification to entertain the claim of the petitioners, because none of them possess the academic and technical qualifications prescribed for the post of Lineman.

The policy contained in B.P.Ms.No.36 dated 18-05-1997 envisages consideration of the candidature of only those who fulfill the prescribed qualifications and as none of the petitioners possesses the qualifications prescribed by the Board, the refusal of respondent No. 3 to entertain their candidature cannot be dubbed as arbitrary or violative of Articles 14 and 16 of the Constitution of India.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP No. 4065 of 2000 filed by the petitioners for interim relief is also dismissed.

G.S.SINGHVI,

C.J.

January 24, 2006.

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